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July 9, 1982

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF COMMERCE
THE SECRETARY OF LABOR
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
COUNSELLOR TO THE PRESIDENT
THE DIRECTOR OF CENTRAL INTELLIGENCE
UNITED STATES REPRESENTATIVE TO THE
UNITED NATIONS
CHAIRMAN, JOINT CHIEFS OF STAFF

SUBJECT: United States Law of the Sea Policy

The President has approved the attached National Security Decision Directive on United States Law of the Sea Policy.

FOR THE PRESIDENT:



William P. Clark

Attachment

cc: The Director, Office of Management
and Budget
Chief of Staff to the President
Deputy Chief of Staff to the President
Assistant to the President for Policy
Development
Chairman, Council on Economic Advisers
Director, Office of Science and Technology
Policy
Administrator, Environmental Protection Agency
Director, National Science Foundation
Chairman, Council on Environmental Quality

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Review on 6/30/88

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THE WHITE HOUSE
WASHINGTON

July 9, 1982

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NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 43

UNITED STATES LAW OF THE SEA POLICY

I have reviewed the interagency report on Law of the Sea issues forwarded by the Department of State on June 16 and noted that while the navigation, overflight and most other provisions of the Law of the Sea Convention are acceptable and consistent with United States interests, the deep seabed mining part of that Convention does not meet any of the United States objectives set forth in NSDD 20 of January 29, 1982. (C)

Having considered the report and views and recommendations of the interested agencies, I have decided that:

- o The United States will not sign the Convention as adopted by the Conference on April 30. (U)
- o With respect to deep seabed mining, the United States will substantially increase its international efforts and focus them exclusively on the objectives of having our allies and, as appropriate, other countries not accept the deep seabed mining regime in -- and thus not sign or ratify -- the Convention and of establishing an alternative arrangement to that regime. (C)
- o The United States will participate at the technical level in the remaining Conference process: namely, the Drafting Committee in July-August, the Informal Plenary in September, and the Caracas Session in December (including signing the Final Act). This participation will be limited to the non-seabed mining provisions of the Convention to protect U.S. interests and will not extend to the seabed mining part. (U)
- o The United States will not participate in the Preparatory Commission. (U)

The Department of State, in coordination with the interested agencies and the NSC, OMB and OPD staffs, will prepare an action plan with specific steps and objectives for United States efforts to establish an alternative deep seabed

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mining arrangement outside the Convention. Near-term actions, including possible intervention at the highest levels, should be forwarded for consideration within two weeks. If longer-term actions are not included in the initial report, they should be forwarded by August 31. (C)

The Department of Defense, in conjunction with the Departments of State and Transportation and the NSC staff, will review the United States navigation and overflight program focusing on protecting United States rights and directing the practice of states toward the U.S. interpretation of the navigation and overflight provisions of the Law of the Sea Convention. This report and recommendations regarding the future nature, scope and procedures for the program should be submitted for consideration by July 30. (C)

Ronald Reagan

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